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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|----------------------|------------------|
| 09/849,297 | 05/04/2001 | Robert Miles Saunders | 1031/1 | 8662 |
| 27774 | 7590 | 11/20/2006 | EXAMINER | |
| MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090 | | | TOMASZEWSKI, MICHAEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3626 | |

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/849,297 | Applicant(s) SAUNDERS, ROBERT MILES | |
| | Examiner Mike Tomaszewski | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 09/05/06. Claims 1-21 have been cancelled. Claims 22-23 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (Baldwin, Ben G. "The New Life Insurance Investment Advisor" Copyright 1994. McGraw-Hill. pg. 45-47.), in view of Lockwood (4,567,359; hereinafter Lockwood).

(A) As per claim 22, Baldwin discloses a method for issuing an investment style life insurance policy to an insured over a computer network comprising:

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- (1) receiving by an issuer of the investment style life insurance policy assignment of an existing term life insurance policy on the insured having a defined death benefit (Baldwin: pg. 45-47);
- (2) issuing by the issuer an investment style life insurance policy to the insured, in which a death benefit of the investment style life insurance policy equals the defined death benefit of the existing term life insurance policy received by the issuer (Baldwin: pg. 45-47); and
- (3) receiving by the issuer assignment to one or more assets, rights and/or liabilities from the insured (Baldwin: pg. 45-47).

Baldwin, however, fails to *expressly* disclose a method for issuing an investment style life insurance policy to an insured over a computer network comprising:

- (4) receiving, transmitting, and issuing insurance information via a computer network.

Nevertheless, these features are old and well known in the art, as evidenced by Lockwood. In particular, Lockwood discloses a method for issuing an investment style life insurance policy to an insured over a computer network comprising:

- (4) receiving, transmitting, and issuing insurance information via a computer network (Lockwood: abstract; Fig. 1-7).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Lockwood with the teachings of Baldwin with the motivation of providing a system for managing insurance information and making insurance transactions (Lockwood: col. 1, lines 27-30).

(B) As per claim 23, Baldwin fails to *expressly* disclose the method according to claim 22, further comprising receiving by the issuer periodic electronic payments from the insured representing a premium payment.

Nevertheless, these features are old and well known in the art, as evidenced by Lockwood. In particular, Lockwood discloses the method according to claim 22, further comprising receiving by the issuer periodic electronic payments from the insured representing a premium payment (Lockwood: col. 3, lines 41-45).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Lockwood with the teachings of Baldwin with the motivation of providing a system for managing insurance information and making insurance transactions (Lockwood: col. 1, lines 27-30).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



Carolyn Blech
Patent Examiner
3626
11/13/06